

Fax Cover Sheet

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To: Susan C. Allmentl Fax No.: 703-872-9306

Re: Reply to Office Action of February 25, 2004

Application no: 10/661,301
Atty Docket No.: 02-090

No. of page(s) including this cover sheet: 68

Included in this telefax transmission are:

Transmittal Sheet
Fee Transmittal Sheet
Petition for Extension of Time
Response (9 sheets)
Drawings (1 sheet)
Five Patents previously listed on the IDS (55 sheets)

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, Group Art Unit 3644, Fax No. (703) 872-9306, on June 9, 2004.

Peter J. Somerville
Peter J. Somerville

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PAGE 1/69 * RCVD AT 6/9/2004 9:58:13 AM [Eastern Daylight Time] * SVR:USPTO-EFAX-1/0 * DNIS:8729306 * CSID:207 773 4585 * DURATION (mm-ss):16-34

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Under the Patent Act of 1952, as amended, and the Patent Act of 1980, as amended, the following information is required to be submitted to the United States Patent and Trademark Office, U.S. Department of Commerce.

TRANSMITTAL FORM
(to be used for all correspondence after initial filing)

| | |
|------------------------|----------------------|
| Application Number | 10661,301 |
| Filing Date | 06/12/2003 |
| First Named Inventor | James Anthony Martin |
| Art Unit | 3644 |
| Examiner Name | Susan C. Almenil |
| Attorney Docket Number | 02-080 |

Total Number of Pages in This Submission: _____

ENCLOSURES (Check all that apply)

| | | |
|--|--|---|
| <input checked="" type="checkbox"/> Free Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> Alter Final <input type="checkbox"/> Affidavit/Declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input checked="" type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Renunciation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Rebuttal <input type="checkbox"/> CO Number of CO(s) <input type="checkbox"/> Remarks | <input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (appeal motion, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below) |
|--|--|---|

Five (5) Patents previously listed on IDS.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | |
|-------------------------|----------------------------------|
| Firm or Individual name | Bohan, Mathers & Associates, LLC |
| Signature | <i>[Signature]</i> |
| Date | June 8, 2004 |

CERTIFICATE OF TRANSMISSION MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as that class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

| | |
|----------------------|----------------------------|
| Type of Printed name | Peter J. Somerville |
| Signature | <i>Peter J. Somerville</i> |
| Date | June 8, 2004 |

The collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to be provided by the USPTO to process an application. Confidentiality is governed by 35 U.S.C. 42 and 37 CFR 1.54. The collection is estimated to 2 hours to complete, including preparing, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEE OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 and select option 2.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/661 301 Confirm. No.: 7463
 Filing Date: 9/12/2003
 Inventor: James Anthony Maffei
 Title: Plant Protection Device and Method
 Art Unit: 3644
 Examiner: ALIMENTI, SUSAN C.
 Attorney Docket No.: 02090

To: Mail Stop Amendment
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

Request for Reconsideration Pursuant to 37 C.F.R. § 1.111

Dear Sir:

This Request is filed responsive to the 02/25/04 Official Action, in which Examiner rejected pending Claims 1-5 under 35 U.S.C. 102(b) based on Hinsperger (U.S. Patent 5,605,007) and Claim 6 under 35 U.S.C. 103(a) based on Hinsperger in combination with Dalle (U.S. 4,577,436). Examiner also noted that Applicant failed to submit a paper copy of the five foreign patents cited in the Information Disclosure Statement. Applicant respectfully requests that Examiner amend the application in the manner set out immediately below, and explained in REMARKS starting on page 5. Applicant also requests that Examiner consider his arguments, also included in REMARKS, for deeming allowable all of the claims as amended.

AMENDMENTS

Amendments to the Specification begin on page 2 of this paper, as do the amendments to the Drawing and to the Claims.
 IN THE SPECIFICATION

Please amend paragraph [0018] to read as follows:

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